

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,	:	
Petitioner	:	
	:	Civil Action No. 00-300
v.	:	
	:	Judge Nora Barry Fischer
MARTIN HORN, et al.,	:	
Respondents	:	THIS IS A CAPITAL CASE

PROPOSED JOINT FINDINGS OF FACT

Petitioner and respondents, through their attorneys, file their joint proposed findings of fact in compliance with this Court's Order of May 14, 2007.

1. Petitioner has no objection to the following paragraphs of respondents' proposed findings of fact: 2, 3, 4, 5, 7, 9, 11, 13, 18, 26, 27, 28, 29, 31, 32, 33, 34, 35, 44, 45.

2. Respondents have no objection to the following paragraphs of petitioner's proposed findings of fact: 10, 15, 18, 28, 30, 31, 33, 35.

Respectfully Submitted,

/s/ Stuart Lev
**STUART LEV, ESQUIRE
TRICIA RUSSELL, ESQUIRE
(Attorneys for the Petitioner)**

/s/ Christopher D. Carusone
**CHRISTOPHER D. CARUSONE
Senior Deputy Attorney General
(Attorney for the Respondents)**

Date: August 3, 2007